

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
)	
Defendant.)	

**PLAINTIFF *ePLUS INC.*'S RENEWED MOTION FOR JUDGMENT
AS A MATTER OF LAW OF DIRECT AND INDIRECT INFRINGEMENT PURSUANT
TO FED. R. CIV. P. 50(B) OR, IN THE ALTERNATIVE, FOR A NEW TRIAL
PURSUANT TO FED. R. CIV. P. 59**

Pursuant to Federal Rule of Civil Procedure 50(b), Plaintiff *ePlus, Inc.* ("*ePlus*") renews its motion for judgment as a matter of law that all of the accused configurations of systems made, offered for sale and sold by Defendant Lawson Software, Inc. directly infringe or can be used to directly infringe all of the asserted claims and that Defendant induces and contributes to the infringing use of such systems. Defendant was fully heard at trial on the issues of infringement, and no reasonable jury would fail to find infringement of asserted claims 3, 26, 28, and 29 of U. S. Patent No. 6,023,683; claims 1, 2, 6, 9, 21, 22, and 29 of U. S. Patent No. 6,055,516. The undisputed evidence proven through admissions of Defendant's own witnesses and in its documents, as well as the irrefutable demonstrations of the accused systems in operation, establish beyond doubt that Defendant infringes all the asserted claims of *ePlus*'s patents-in-suit.

Accordingly, *ePlus* respectfully requests that the Court grant judgment as a matter of law that the accused configurations of Defendant's S3 system infringe all the asserted claims, both

directly, and indirectly (through both inducement of infringement and contributory infringement), pursuant to 35 U.S.C. § 271(a), (b), and (c). In the alternative, pursuant to Fed. R. Civ. P. 50(b) and 59(a), *ePlus* requests that the Court grant a new trial as to the jury's non-infringement findings. The grounds for this motion are more fully set forth in the accompanying brief in support.

Respectfully submitted,

June 22, 2011

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of June, 2011, I will electronically file the foregoing

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50(B) AND (C) OR, IN THE ALTERNATIVE, FOR A NEW TRIAL PURSUANT TO
FED. R. CIV. P. 59**

with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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